

CHAPTER 3 CHILD DEVELOPMENT FACILITIES

300 GENERAL PROVISIONS

- 300.1 The purpose of this chapter shall be to protect infants and children whose care is given to others away from home for less than twenty-four (24) hours per day, and to ensure the provision of adequate child development programs for those infants and children.
- 300.2 The provisions of this chapter shall apply to every child development facility providing care, supervision, and guidance, for infants or children, for less than twenty-four (24) hours per day per infant or child, on a regular basis, no matter by what name the facility is designated.
- 300.3 The provisions of this chapter shall not apply to the following:
- (a) Occasional babysitting in the babysitter's home for infants or children of one (1) family;
 - (b) Informal parent-supervised neighborhood playgroups;
 - (c) Care furnished in places of worship during religious services; or
 - (d) Child development centers providing only a before or after school child development program.
- 300.4 The provisions of this chapter shall be made available to the public upon request and shall be maintained on file in the Mayor's office for inspection during regular business hours.
- 300.5 If any provision of this chapter is declared unconstitutional by a court of competent jurisdiction or the applicability of any provision to any person or circumstance is held invalid, the validity of the remainder of the provisions and applicability of those provisions to other persons and circumstances shall not be affected.
- 300.6 The Mayor may make available to child development facilities District government services that will assist the facilities to meet the requirements of this chapter.

301 LICENSING OF CHILD DEVELOPMENT FACILITIES

- 301.1 No person shall either directly or indirectly operate a child development facility without first having obtained a license from the Mayor authorizing that operation, except that individuals who are related to an infant or child may care for that infant or child without obtaining a license.
- 301.2 For purposes of this section, the term "related" shall include any of the following relationships by marriage, blood, or adoption:
- (a) Parent or step-parent;
 - (b) Grandparent;
 - (c) Brother, sister, step-sister, or step-brother; and
 - (d) Uncle or aunt.
- 301.3 A separate license shall be required for each child development facility when more than one (1) child development facility is operated by the same person at different premises.
- 301.4 Only one (1) license shall be required for a child development facility located in separate buildings on the same grounds or premises and operated by one (1) person.
- 301.5 Unless specifically exempted by this chapter, the provisions and requirements in this section shall apply to all child development facilities established or operated in the District, and the Mayor shall have the necessary power, including subpoena power pursuant to D.C. Code, §§1-331 and 4-801, to supervise, inspect, and investigate child development facilities to determine compliance with the provisions of this section.
- 301.6 Each license shall set forth the name and address of the premises of the child care facility, the name of the licensee, and the maximum number of infants and children to be accommodated.
- 301.7 The license shall be posted in a conspicuous place on the licensed premises.
- 301.8 Each license shall be issued only for the premises and person or persons named as applicants in the application and shall not be valid for use by any other person or persons or at any place other than that designated in the license.
- 301.9 Any transfer of a license to person or place without the approval of the Mayor shall cause an immediate forfeiture of that license.
- 301.10 Each license certificate in the licensee's possession shall be the property of the District and shall be returned immediately to the Mayor upon the suspension or revocation of the license, upon the refusal to renew a license, upon its forfeiture in accordance with §301.9, or if operation of a facility is discontinued by the voluntary action of the licensee.

302 APPLICATION FOR LICENSE

302.1 Any person proposing to operate a child development facility in the District shall, prior to the commencement of operation, make application to the Mayor for a child development facility license.

302.2 Each application shall contain the following information, all of which shall be a matter of public record available for inspection upon request during regular business hours:

- (a) The name, age, address, and occupation of the person making application or, in the case of a corporation or association, the names, ages, addresses, and occupation of the officers and directors;
- (b) The name, age, address, and occupation of the individual designated by the applicant as the director of the child development facility, and any additional information concerning that individual which the Mayor may require;
- (c) The address of the premises that will constitute the child development facility, together with a description of all structures and facilities forming a part of the premises in the detail required by the Mayor;
- (d) The name by which the facility will be known;
- (e) The name and address of the owner of the building or buildings offered and the age groups of the infants or children to be served;
- (f) The number of hours per day that child development programs will be offered and the age groups of the infants or children to be served;
- (g) A program statement describing the programs and services to be provided including contractual and staff resources. All contractual services to be provided shall comply with the requirements of this chapter, and with all other applicable District laws and regulations;
- (h) Proof that the premises conform to all applicable federal and District health, fire, safety, building, and zoning regulations and codes, and that any necessary permits for occupancy have been issued by the appropriate authorities and are in full force; and
- (i) Other reasonable information that the Mayor may require in order to permit him or her to ascertain whether the applicant is in a position to operate a child development facility in conformity with the provisions of this chapter.

302.3 An applicant for a child development facility license shall sign the license application and shall affirm that all statements in the application are true.

302 APPLICATION FOR LICENSE (Continued)

- 302.4 An applicant for a child development facility license shall sign the license application and shall affirm that all statements therein are true. The applicant's signature shall be; in the case of an individual, that of the individual; in the case of a partnership, that of all partners; and in the case of a corporation, that of two (2) of the officers of the corporation, one (1) of whom shall be the president.
- 302.5 Each applicant shall inform the Mayor within ten (10) business days of any change in the facts stated in the license application.

303 FEES

- 303.1 Pursuant to D.C. Code, §47-2842, the Mayor shall fix, and may adjust from time to time, child development facility license fees which shall, in his or her judgment, be commensurate with the cost to the District of inspections, supervision, and regulation required by this chapter.
- 303.2 No license fee shall be required of any child development facility operated by the District government.

304 ISSUANCE OF LICENSE AND NOTIFICATION OF CHANGE IN CIRCUMSTANCE

- 304.1 The Mayor shall issue a license after having determined that the representations made in the application are correct and sufficient to show that the applicant has complied with the requirements of this chapter.
- 304.2 When a total of not more than five (5) infants and children are placed for care in a child development home by the District Department of Human Services (the "Department") or by a licensed child placing agency, the Mayor, in issuing a license, may accept the findings, submitted on a form provided by him or her, of the Department or the licensed child placement agency that the child development home in which the infants and children are placed meets the applicable requirements of this chapter.
- 304.3 A license issued by the Mayor shall expire one (1) year from the date of issuance.
- 304.4 The licensee of a child development facility shall inform the Mayor of any change in the operation, program, or services of a child development facility of a degree or character which may affect its licensure.

305 RENEWAL OF LICENSES

- 305.1 The Mayor shall be required to renew a child development facility license when he or she has determined that the licensee has complied with the provisions of this chapter.
- 305.2 Application for renewal of a child development facility license shall be submitted to the Mayor on a form provided by him or her not later than ninety (90) days prior to the expiration date of the license.
- 305.3 Notwithstanding any other provision of this chapter, a child development facility holding a valid license on the date of application for renewal of that license may continue in operation until the Mayor has taken action on the renewal application.

306 DENIAL, SUSPENSION, AND REVOCATION OF LICENSES

- 306.1 The Mayor shall be required, after providing notice and opportunity for hearing in accordance with §108, to deny, refuse to renew, or to suspend or revoke any license if he or she finds any of the following:
 - (a) Failure to comply with the provisions of this chapter;
 - (b) Failure to comply with any other federal or District law or regulation applicable to child development facilities; or
 - (c) That any licensee, or person in charge of the facility, has committed, aided, abetted, or permitted to be committed, any acts of dishonesty, fraud, gross negligence, abuse, assault, battery, or other illegal acts in the operation of the facility.
- 306.2 The Mayor shall suspend a license whenever he or she finds that the failure of a child development facility to comply with any provision of this chapter or with any other federal or District law or regulation applicable to the facility is of such a serious nature and magnitude that there is an imminent danger to the health, safety, or welfare of the infants or children. Suspension shall continue until the Mayor has determined that the imminent danger has been corrected.
- 306.3 If the Mayor finds that the immediate interests of the infants or children in a child development facility would be best served by affording the facility an opportunity to correct a condition which would otherwise constitute a basis for suspension, revocation, or refusal to renew a license under §305.2, he or she may afford the licensee the opportunity to correct the violation within thirty (30) days after receipt of a notice to correct.

306 DENIAL, SUSPENSION, AND REVOCATION OF LICENSES (Continued)

- 306.4 When a licensee has been cited for a violation of this chapter or other applicable regulation relating to the condition of the building or property in which the child development facility is located, and when that building or property is owned by someone other than the licensee, the Mayor may request that the licensee and the owner of the building or property meet with the Mayor for the purpose of settling any dispute regarding the correction of the violation.

307 HEARINGS

- 307.1 When the Mayor proposes to deny issuance of a license or to suspend or revoke a license issued pursuant to this chapter for failure to comply with or for a violation of this chapter, he or she shall first issue a notice to the applicant or licensee, specifying the violation and reasons for the proposed action.
- 307.2 The notice shall also inform the applicant or licensee that he or she has five (5) days from the date of service of the notice in which to request a hearing.
- 307.3 If no hearing is requested, the Mayor may then deny, suspend, or revoke the license.
- 307.4 In each case the Mayor shall maintain an official record, shall serve upon the applicant or the licensee a proposed decision including findings of fact and conclusions of law and shall render the final decision in writing to the applicant or licensee accompanied by findings of fact and conclusions of law.
- 307.5 Each case shall be determined in accordance with the provisions of the D.C. Administrative Procedure Act set forth in D.C. Code, §§1-1509 and 1-1510.
- 307.6 Upon suspension of a license pursuant to §306, the Mayor shall immediately notify the licensee that the licensee may, within twenty-four (24) hours following the suspension, request a hearing.
- 307.7 A suspension hearing shall be conducted by the Mayor within two (2) calendar days following receipt of the request.

§§308 - 309: RESERVED

310 PENALTIES AND REMEDIES

- 310.1 Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300).
- 310.2 Each day of any violation shall constitute a separate offense, and the penalties prescribed in §310.1 shall be applicable to each separate offense; Provided, that no further penalties shall be imposed for the period during which any appeal from a conviction of an offense is pending.
- 310.3 The imposition of any fine pursuant to §310.1 shall be in addition to any denial, suspension, revocation, or refusal to renew a child development facility license which may result from the violation.
- 310.4 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter pursuant to titles I-III of provisions of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

311 RIGHT OF ENTRY, INSPECTION, AND SUBPOENA POWERS

- 311.1 The Mayor and any other duly authorized official of the District having jurisdiction over, or responsibilities pertaining to, any child development facility, after presenting official credentials of identification and authority issued by the District, shall have the right either with or without prior notice, to enter upon and into the premises of any child development facility licensed under this chapter, or for which an application for license has been made, in order to determine compliance and to facilitate verification of information submitted on or in connection with an application for licensure pursuant to provisions of this chapter. The conduct of the authorized official shall be such that the entry and inspection shall take place with the least possible disruption to the program.
- 311.2 The right of entry and inspection shall also extend to any premises which the Mayor has reason to believe are being operated or maintained as a child development facility without a valid license; Provided, that no entry or inspection of any unlicensed premises shall be made without the permission of the director in charge of the premises unless a warrant is first obtained from the D.C. Superior Court, pursuant to D.C. Code, §11-941, authorizing the entry or inspection for the purpose of determining compliance with provisions of this chapter.

313 VARIANCES

- 313.1 A person operating a child development facility in operation before July 1, 1975 may be excused by the Mayor from compliance with the provisions of §§327 through 329 of this chapter, either in whole or in part, upon a finding by the Mayor that full compliance would result in exceptional or undue hardship by reason of excessive structural or mechanical renovations.
- 313.2 A variance may be granted only to the extent necessary to relieve exceptional or undue hardship and only when compensating factors are present which give adequate protection to the public health or safety and which ensure that the intent and purpose of §§327 through 329 are not impaired.
- 313.3 To be considered for a variance, the owner of an existing child development facility shall submit a written request to the Mayor setting forth the following:
- (a) The specific requirements in §§327 through 329 from which the owner seeks relief;
 - (b) The exceptional or undue hardship that would result from compliance with those requirements; and
 - (c) The extent to which the owner seeks to be exempted from those requirements.
- 313.4 Notice of any request for a variance shall be published in the D.C. Register at least thirty (30) days before the Mayor acts on the request. This publication shall be at the expense of the requesting party.
- 313.5 The notice shall contain a brief statement describing the variance sought and the reasons the variance is sought. Any public comment on the request for a variance shall be submitted to the Mayor within thirty (30) days after publication of the request.
- 313.6 The Mayor shall maintain a public record of all variances granted. This record shall state the basis upon which each variance was granted. No variance shall be granted for reasons other than those stated in the record.
- 313.7 A person operating a child development facility adversely affected by the refusal of the Mayor to grant a variance may appeal the Mayor's action as provided in the D.C. Administrative Procedure Act (D.C. Code, §1-1509, et seq.).
- 313.8 The owner shall be notified in writing of the refusal of a variance and of his or her right to a hearing with respect to that refusal.
- 313.9 A request for a hearing shall be made by the owner in writing to the Mayor within five (5) days of receipt of the notice of refusal.

313 VARIANCES (Continued)

- 313.10 Failure of the owner to request a hearing or failure of the owner to appear at a scheduled hearing shall be considered a waiver of the owner's right to a hearing, and the Mayor's refusal of the variance shall become effective immediately.
- 313.11 Any variance granted pursuant to this section shall be reviewed by the Mayor when the owner of the facility applies for a permit to undertake any renovation or physical modification of the child development facility.

314 RESERVED

315 CHILD DEVELOPMENT CENTERS: STAFFING REQUIREMENTS

- 315.1 Each child development center shall have a director who is physically present during the week for at least one-third (1/3) of the time that children are at the center.
- 315.2 The director shall be responsible for supervision and administration of the child development center, including the following:
- (a) Selection of qualified staff and supervision of that staff to ensure that a child development program, as required by this chapter, is provided;
 - (b) Compliance with health requirements of §325 and maintenance of records required by §326 of this chapter;
 - (c) Compliance with applicable District codes and regulations;
 - (d) Development of a plan, to be approved by the Mayor, for emergency situations, including the development of a fire evacuation plan, and for illness of staff;
 - (e) Designation of a teacher to be responsible in the absence of the director;
 - (f) The provision of in-service training for staff volunteers;
 - (g) The provision of adult supervision for the children; and
 - (h) Development of parent involvement in the child development program and in the activities of the center.

315 CHILD DEVELOPMENT CENTERS: STAFFING REQUIREMENTS (Continued)

315.3 The director shall be qualified by meeting the requirements of one (1) of the following:

- (a) A master's degree from an accredited college in early childhood education or a related field, social work, home economics, or psychology; and one (1) year of experience in a child development facility;
- (b) A bachelor's degree from an accredited college in early childhood education or a related field, social work, home economics, or psychology; and at least twelve (12) credit hours of advanced study in early childhood education; and one (1) year of experience in a child development facility;
- (c) A bachelor's degree from an accredited college in early childhood education and two (2) years of experience in a child development facility; or a bachelor's degree in a related field, social work, home economics, or psychology, and three (3) years of experience in a child development facility;
- (d) Two (2) or more years of college with course work in early childhood education or in a related field, social work, home economics, or psychology; and five (5) years of experience in a child development facility;
- (e) Experience as director of a licensed child development center in the District in operation before July 1, 1975; Provided, on or before July 1, 1978, the director completes nine (9) college credit hours in early childhood education from an accredited college or university; or
- (f) A minimum of five (5) years experience prior to June 30, 1978, as an assistant director of a licensed child development center in any state or in the District in operation before July 1, 1975; Provided, that on or before July 1, 1978, he or she shall have completed nine (9) credit hours in early childhood education.

315.4 Teachers at child development centers shall be qualified by meeting the requirements of one (1) of the following:

- (a) A bachelor's degree in early childhood education or a related field with a minimum of fifteen (15) hours in early childhood education courses;
- (b) Two (2) or more years of college, including at least fifteen (15) hours of early childhood education courses; and one (1) year of experience in a child development facility;
- (c) A high school diploma or its equivalent and three (3) years of experience as a teacher or assistant teacher in a child development center, plus, on or before July 1, 1977, nine (9) college credit hours in early childhood education from an accredited college or university; or
- (d) Experience as a teacher or assistant teacher in a licensed child development center; Provided, that he or she has been awarded a child development associate credential.

315 CHILD DEVELOPMENT CENTERS: STAFFING REQUIREMENTS (Continued)

- 315.5 An assistant teacher shall be qualified by meeting the requirements of one (1) of the following:
- (a) Two (2) or more years of college and demonstration, to the satisfaction of the director, of skill and competence with children; or
 - (b) A high school diploma and certificate in child development from an accredited vocational high school; or, instead of the child development certificate, one (1) year of experience in a child development center.
- 315.6 The duties of a teacher shall include, but not be limited to, the following:
- (a) Initiating daily activities related to the child development program;
 - (b) Maintaining an attractive, clean room;
 - (c) Supervising the assistant teacher, when assigned;
 - (d) Attending in-service training programs when offered; and
 - (e) Making periodic progress reports on the children to the parents.
- 315.7 The duties of an assistant teacher shall include, but not be limited to, the following:
- (a) Assisting the teacher and participating in the planning of the daily program;
 - (b) In the absence of the teacher, assuming responsibility for the children in the group; and
 - (c) Attending in-service training programs when offered.
- 315.8 An aide shall demonstrate, to the satisfaction of the director, the ability to work well with children.
- 315.9 The duties of an aide shall include, but not be limited to, the following:
- (a) Assisting the teacher and assistant teacher, as directed; and
 - (b) Attending in-service training programs when offered.
- 315.10 Child development centers shall provide sufficient personnel to maintain standards of sanitation and safety consistent with all applicable District rules and regulations.

316 GROUP SIZE AND ADULT-CHILD RATIOS

- 316.1 The size of any one (1) group of children shall not exceed that specified in the following chart for each age group:

AGE	MAXIMUM SIZE OF GROUP	CHILD-ADULT RATIO
2 years to 2 years, 6 months	8	4 to 1
2 years, 6 months through 3 years	16	8 to 1
4 years	20	10 to 1
5 years	25	15 to 1
6 years through 14 years	30	15 to 1

- 316.2 There shall be a teacher, who may also be the director, and an assistant teacher or aide for each group at all times. In part-day programs (up to four (4) hours per day), a volunteer may be substituted for an assistance teacher or aide. During non-peak hours (before 8:30 a.m. and after 4:30 p.m.), an assistant teacher may substitute for a teacher.
- 316.3 When children of different ages are placed in one (1) group, the ratio shall be adjusted, subject to the approval of the Mayor, to protect the welfare of the younger children in the group.
- 316.4 A change in child-adult ratios shall be made only with the approval of the Mayor when he or she finds that the change will not result in decreasing the effectiveness of the child development program.

317 CHILD DEVELOPMENT CENTER PROGRAM REQUIREMENTS

- 317.1 The daily child development program of a center shall do the following:
- (a) Reflect knowledge and understanding of the fundamental needs of development of children;
 - (b) Have continuity and flexibility so the needs of individual children as well as the needs of the group are met; and
 - (c) Provide a balance between periods of active play and quiet activities.
- 317.2 Full-day programs for children under six (6) years of age shall provide for rest during the day, the length of which may vary with the age of the child, but shall not exceed a total of three (3) hours.

317 CHILD DEVELOPMENT CENTER PROGRAM REQUIREMENTS (Continued)

- 317.3 The daily child development program of a center shall provide daily activities for each child designed to do the following:
- (a) Influence a positive concept of self;
 - (b) Stimulate motivation;
 - (c) Enhance his or her physical, social, cognitive, and communication skills by giving him or her opportunities to learn about himself or herself and others, about social relationships, and about the world around him or her;
 - (d) Help him or her to deal with reality through undertaking real tasks and learning to master them;
 - (e) Provide creative and aesthetic experiences;
 - (f) Help him or her to develop skills in both large muscle and small muscle activities; and
 - (g) Help him or her to take responsibility for his or her bodily needs and encourage good health habits.
- 317.4 Each child development center shall include at least two (2) hours of outdoor play every day in a full-day program and at least thirty (30) minutes in a part day program, except in extreme weather conditions.
- 317.5 Each center shall have a sufficient number (for the size of the enrollment of the center) of toys, games, equipment, including outdoor play equipment, raw materials, and books which are safe for use by children and adequate for the requirements of the program.
- 317.6 Individual eating and drinking equipment, including, but not limited to, a fork, spoon, plate, and cup for each child, shall be provided by the center as appropriate when meals or snacks are served.
- 317.7 An emergency supply of clothes shall be available, and wet and soiled clothes shall be changed promptly.
- 317.8 Centers shall be equipped with furnishings, including tables, cots, chairs, and shelves, appropriate to the age, size, and activities of the children, and sufficient for the number of children enrolled in the program.
- 317.9 In full-day programs, there shall be a clean cot for each child under six (6) years of age. A clean blanket for each child shall also be provided by the child's family, or when necessary, by the center. The cots shall be stacked or folded when not in use, so as not to infringe on play space.
- 317.10 When in use, there shall be a minimum of two feet (2') between each cot and aisle space of not less than two feet (2') between rows.

318 CHILD DEVELOPMENT CENTERS: MEALS AND SNACKS

- 318.1 Food shall be protected and stored as required by the requirements of chapters 20 through 29 of DCMR Title 23 (General Food Regulations).
- 318.2 According to the program offered, food suitable to the ages of the children shall be provided using varied menus which shall be consistent with the meal patterns for young children specified under the Special Food Service Program for Children of the U.S. Department of Agriculture.
- 318.3 Each center shall seek nutritional consultation from an appropriate community resource.
- 318.4 To the extent possible, information provided by parents concerning a child's nutritional needs should be considered in day care feeding schedules and menus.
- 318.5 To the extent possible, cultural and ethnic foods appropriate to the children, program, and locality shall be part of the menu planning.
- 318.6 Menus shall be planned and posted, and shall be kept on file for six (6) months so they can be reviewed by District officials as needed.

319 RESERVED

320 CHILD DEVELOPMENT HOMES: CAREGIVERS

- 320.1 Each child development home shall have at least one (1) caregiver who shall be between eighteen (18) and seventy (70) years of age, and who shall be responsible for the supervision and administration of the child development home.
- 320.2 The caregiver shall be responsible for compliance with the health requirements of §325 and maintenance of records as required by §326.
- 320.3 The caregiver shall be responsible for compliance with all applicable District rules and regulations.
- 320.4 Food handling, preparation, and service in child development homes shall be exempt from the requirements of chapters 20 through 29 of DCMR Title 23 (General Food Regulations); Provided, that the food handling, preparation, and service shall be conducted in a manner consistent with the intent of DCMR Title 23.
- 320.5 The caregiver shall develop a plan, to be approved by the Mayor, for emergency situations, including designation of a responsible adult to substitute for the caregiver as needed. At no time shall infants or children be without adult supervision.

320 CHILD DEVELOPMENT HOMES: CAREGIVERS (Continued)

- 320.6 The caregiver shall be responsible for development of parent involvement in the child development program and in the activities of the child development home. The caregiver shall provide periodic progress reports on the infants and children to the parents.
- 320.7 The caregiver shall be responsible for cooperation with District officials trained in child development who are assigned to work with the caregiver in placing and implementing the child development program.

321 CHILD DEVELOPMENT HOME PROGRAM REQUIREMENTS

- 321.1 The daily child development program of a center shall do the following:
- (a) Reflect knowledge and understanding of the fundamental needs of development of children;
 - (b) Have continuity and flexibility so the needs of individual children as well as the needs of the group are met; and
 - (c) Provide a balance between periods of active play and quiet activities. For infants over three (3) months of age this shall include play period outside of the crib.
- 321.2 Full-day programs for children under six (6) years of age shall provide for rest during the day, the length of which may vary with the age of the child, but shall not exceed a total of three (3) hours.
- 321.3 The daily child development program of a center shall provide daily activities for each child designed to do the following:
- (a) Influence a positive concept of self;
 - (b) Stimulate motivation;
 - (c) Enhance his or her physical, social, cognitive, and communication skills by giving him or her opportunities to learn about himself or herself and others, about social relationships, and about the world around him or her;
 - (d) Help him or her to deal with reality through undertaking real tasks and learning to master them;
 - (e) Provide creative and aesthetic experiences;
 - (f) Help him or her to develop skills in both large muscle and small muscle activities; and
 - (g) Help him or her to take responsibility for his or her bodily needs and encourage good health habits.

321 CHILD DEVELOPMENT HOME PROGRAM REQUIREMENTS (Continued)

- 321.4 The program shall include at least two (2) hours of outdoor play each day in a full-day program, and at least thirty (30) minutes in a part-day program, except in extreme weather conditions.
- 321.5 The program shall include activities for children between the ages of six (6) and fifteen (15) which provide opportunities for playing with peers, for solitary occupations, for study, for active play, for rest and relaxation, for learning new skills, for attending group after-school programs, and for talking with and being listened to by a supportive adult.

322 CHILD DEVELOPMENT HOMES: EQUIPMENT AND SUPPLIES

- 322.1 There shall be sufficient indoor and outdoor play materials, toys, supplies, and equipment suitable to the ages of the infants and children to stimulate creative play.
- 322.2 Playthings and toys (including parts of toys that come apart) for infants shall meet the following requirements:
- (a) They shall be large enough so that they cannot be swallowed;
 - (b) They shall be sturdy enough that they will not splinter or break;
 - (c) They shall not have sharp points or rough edges;
 - (d) They shall have paint or finishes that are safe if chewed or licked;
 - (e) They shall not contain small parts that can come loose, such as buttons on stuffed animals;
 - (f) They shall be sanitary and easily washable; and
 - (g) They shall be kept clean and in good repair.
- 322.3 Each child in a full day program or each infant in a full-day or part-day program shall have an individual bed, cot or crib, with adequate bedding provided by the child development home. Beds and bedding shall be kept in clean and sanitary condition at all times.
- 322.4 Each infant or child shall be provided with space for his or her own clothing and belongings.
- 322.5 Small children shall have at least one (1) chair suitable to their needs and comfort.

§§323 - 324: RESERVED

325 HEALTH REQUIREMENTS

- 325.1 The caregiver or director of each child development facility shall be responsible for compliance with the health requirements set forth in this section.
- 325.2 No infant or child shall be admitted to a child development facility without having first obtained a complete health examination by a licensed physician. The results of the examination shall be submitted to the caregiver or director of the child development facility on a form approved by the Mayor.
- 325.3 No infant or child shall be admitted to a child development facility without having first obtained all immunizations appropriate to the age of the infant or child, as required by the D.C. Department of Human Services.
- 325.4 After admission to a child development facility, each infant or child shall be required to obtain an annual physical examination, the results of which shall be submitted to the caregiver or director of the child development facility on a form approved by the Mayor.
- 325.5 Basic first aid equipment and supplies shall be available at all times, and staff shall be trained to administer emergency first aid, including control of bleeding and administration of artificial respiration.
- 325.6 In each child development facility, a daily inspection of each infant or child for signs of illness shall be made prior to each infant's or child's admission. Any infant or child showing any sign of illness shall be excluded from the group.
- 325.7 Provision shall be made for isolation of an infant or child who becomes sick or a child suspected of being sick. Parents or guardians shall be promptly advised of any illness or disability found in the infant or child.
- 325.8 The temperature of an infant or child may be taken when necessary. The thermometer shall be cleaned and disinfected before and after each use.
- 325.9 The parent or guardian of each infant or child admitted to a child development facility shall submit to the caregiver or director of the facility, on a form approved by the Mayor, authorization for emergency medical treatment for the infant or child.
- 325.10 No medicine or treatment, except emergency first aid, shall be given to any infant or child without a medical order or prescription from a licensed physician and the written consent of the parent or guardian.
- 325.11 Any medicine ordered or prescribed in accordance with §325.10 shall be clearly labeled as to the name of the infant or child, the name of the medicine, the dosage, and the name and telephone number of the infant's or child's physician.

325 HEALTH REQUIREMENTS (Continued)

- 325.12 All child development facility employees shall be in good health.
- 325.13 Each child development facility employee shall have an annual health examination by a licensed physician. A written report stating that the person is free from tuberculosis and other disease in a communicable form shall be submitted by the physician to the facility caregiver or director.

326 RECORDKEEPING

- 326.1 The records required by this section shall be maintained for three (3) years by the caregiver or director of a child development facility and shall be forwarded to or made available to the Mayor for inspection as directed.
- 326.2 Each facility shall maintain accurate and current information on where the parents or guardians of each infant or child may be reached at all times.
- 326.3 Each facility shall maintain a register which shall include the following information for each infant or child:
- (a) The infant's or child's name in full;
 - (b) Date of admission;
 - (c) Sex;
 - (d) Birthdate;
 - (e) Home address;
 - (f) Home telephone number;
 - (g) Parents' names in full;
 - (h) Parents' business addresses;
 - (i) Parents' telephone numbers;
 - (j) Designation of individuals authorized to receive the infant or child at end of each session;
 - (k) The name of the individual to be contacted in an emergency when parent is not available;
 - (l) Date of the child's withdrawal; and
 - (m) The reason for withdrawal.

326 RECORDKEEPING (Continued)

- 326.4 When the infant or child is living with someone other than parents, information required by §326.3(g) through 326.3(i) shall be submitted by that individual.
- 326.5 A health record shall be maintained for each infant or child enrolled in a child development facility which shall contain the following information:
- (a) The infant's or child's name in full;
 - (b) Sex;
 - (c) Birthdate;
 - (d) Home address;
 - (e) Date of examination;
 - (f) The physician's opinion concerning general physical condition of infant or child;
 - (g) History of illnesses and diseases, including allergies and specific communicable diseases;
 - (h) Recent exposure to communicable disease;
 - (i) Specific immunizations received, with dates;
 - (j) Result of tuberculin testing;
 - (k) Correctable defects, recommendations, and other remarks of the examining physician;
 - (l) The examining physician's signature;
 - (m) The examining physician's address and phone number;
 - (n) Parents' health insurance information; and
 - (o) Parent's signed authorization for treatment of infant or child in an emergency.
- 326.6 A record of personnel actions shall be maintained by the child development facility which shall contain the following information:
- (a) The name and address of the employing facility;
 - (b) The employee's name in full;
 - (c) The date of promotion to or withdrawal from present position;
 - (d) The name of the staff member being replaced, if applicable;
 - (e) Reason for withdrawal; and
 - (f) The signatures of the employee and the employer.

326 RECORDKEEPING (Continued)

- 326.7 A record containing the following information shall be maintained by each child development facility for each of its employees:
- (a) The name and address of employing facility;
 - (b) The employee's name in full;
 - (c) Sex;
 - (d) Birthdate;
 - (e) Home address;
 - (f) Title of position;
 - (g) Duties;
 - (h) Qualifications (attach copy of curriculum vitae);
 - (i) Date of appointment to present position;
 - (j) Date of health exam; and
 - (k) The employee's health record including physician's opinion concerning employee's general physical condition, freedom from disease in a communicable form and ability to work closely with or care for infants or children without danger to the infants or children; date of chest x-rays; when indicated, date of laboratory tests for communicable disease; physician's signature, address and telephone number; and health insurance information.

327 PHYSICAL REQUIREMENTS OF FACILITIES

- 327.1 All child development facilities shall conform with the Building Code of the District (DCMR Title 12, as amended by the provisions of Reg. No. 74-34), the Health Regulations of the District of Columbia (DCMR Title 22), and all other applicable District rules and regulations.
- 327.2 In a facility that houses both infants and children, except child development homes, the physical requirements for the infants shall apply, unless the area housing the infants is maintained as a separate fire area.
- 327.3 Proper heating shall be provided. A minimum temperature of sixty-five degrees Fahrenheit (65° F.) shall be maintained in all rooms at all times.

327 PHYSICAL REQUIREMENTS OF FACILITIES (Continued)

- 327.4 All items that children may touch and all interior surfaces of the building shall be maintained, by the operator or owner, free of lead or its compounds in any quantity of more than one milligram per square centimeter (1 mg/cm²).
- 327.5 Natural light and ventilation requirements of the Building Code (DCMR Title 12) shall be met in all child development facilities.

328 PROGRAM SPACE REQUIREMENTS

- 328.1 Suitable space for outdoor play shall be provided. This space shall be free from conditions which are or may be hazardous to the life or health of the children or infants.
- 328.2 A minimum of sixty square feet (60 ft.²) of outdoor play area per child or infant per session shall be provided in an enclosed yard on the premises or in a nearby park or playground, or on a properly safeguarded roof facility approved by the Mayor.
- 328.3 Adequate indoor space suitable for the daily program shall be provided. A minimum of thirty-five square feet (35 ft.²) per child per session, exclusive of bathrooms, closets, halls, kitchen, and storage places, shall be provided. Play space shall be clear of cots except at nap time.

329 TOILETS AND LAVATORIES

- 329.1 At least one (1) flush toilet and one (1) lavatory shall be provided for every ten (10) occupants of the facility, including staff. Urinals may be substituted for flush toilets on a two (2) urinals to one (1) flush toilet basis, but two-thirds (2/3) of the required number of flush toilets shall be maintained. Adult facilities shall be provided separately from those for the children or infants.
- 329.2 When toilets and lavatories are not of a height to be used by the children without assistance, a block or step shall be provided.
- 329.3 Training chairs shall be provided by the facility for use by children who require them. Training potties shall be emptied promptly and sanitized after each use.
- 329.4 Soap and individual or paper towels shall be provided.
- 329.5 A drinking fountain shall be provided in the facility or individual clean cups for drinking shall be provided.

330 HEALTH AND SAFETY REQUIRMENTS

- 330.1 Enclosed space shall be provided for the isolation of children who may become ill.
- 330.2 First aid supplies shall be stored in a location beyond the reach of children or infants but in a place readily accessible and known to all the staff.
- 330.3 Prescription or other drugs and any household cleaners, chemicals, or other substances or devices, including thermometers, that might be harmful to children or infants shall be stored out of reach of children in cabinets with doors that close securely.
- 330.4 All child development facilities shall be equipped with at least one (1) coin-operated telephone for use by staff in emergencies and readily accessible during the hours of operation of the facility.
- 330.5 Safety precautions, such as barriers, gates, and screens, shall be provided at all windows, doorways, and stairways.
- 330.6 Insect screens shall be installed on all outside doors and openable windows.
- 330.7 Porches, walkways, play areas, low windows, and stairways that are elevated shall be equipped with barriers to prevent falls by children and infants.
- 330.8 In child development centers, all required exits shall be equipped with panic release hardware or with knob-type hardware that cannot lock from the inside. No other type of securing hardware may be used as supplemental to or in conjunction with this required type of hardware. Doors shall swing in the direction of egress.
- 330.9 Child development homes and child development centers located in residential buildings shall provide at least one (1) operable flashlight for each staff member. Flashlights shall be stored in a location accessible to staff use in the event of a power failure.
- 330.10 All child development facilities shall have a fire exit drill plan. The plan shall be submitted to the D.C. Fire Chief for review, and shall receive the approval of the Fire Chief before it is put into operation.

§§331 - 339: RESERVED

340 ADVISORY COMMISSION ON CHILD DEVELOPMENT FACILITIES

- 340.1 There shall be established an Advisory Commission on Child Development Facilities which shall review for and propose to the Council regulations related to child development facilities in the District.
- 340.2 The Advisory Commission on Child Development shall have twelve (12) members, who shall be appointed by the Chairman of the Council.
- 340.3 Three (3) members of the Commission shall be operators of licensed child development facilities in the District.
- 340.4 Six (6) members of the Commission shall be parents of infants or children enrolled in child development facilities in the District.
- 340.5 One (1) member shall be a specialist in early childhood education.
- 340.6 Two (2) members shall be District residents who have demonstrated an interest in child development programs.
- 340.7 A representative from the D.C. Department of Human Services, a representative from the D.C. Department of Recreation, and a Representative of the D.C. public schools shall participate as ex officio non-voting members in the deliberations of the Commission.
- 340.8 Of the initial appointees, three (3) members shall serve a term of one (1) year, three (3) members shall serve a term of two (2) years, and three (3) members shall serve a term of three (3) years, as designated by the Chairman of the Council at the time of appointment. Thereafter, all members shall serve a term of three (3) years.
- 340.9 Persons appointed to fill vacancies created for any reason shall serve only the unexpired portion of the term unless reappointed. No member shall be reappointed after serving a full three (3) term on the Commission.
- 340.10 The members of the Commission shall elect a chairperson who shall serve in that office for a three (3) year term. The chairperson of the first Commission shall be elected from among the three (3) members designated to serve a three (3) term.
- 340.11 The Commission shall meet when called by its chairperson and may develop rules of procedure for the execution of its responsibilities.
- 340.12 The Commission shall serve without compensation.
- 340.13 The Secretary of the Council shall provide appropriate assistance to the Commission.

399 DEFINITIONS

399.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Caregiver - an individual whose duties include direct care, supervision, and guidance of infants or children in a child development home.

Child or children - an individual or individuals two (2) years old or older, but under the age of fifteen (15) years.

Child development associate credential - a credential obtained under the credential award system of the Child Development Consortium of Washington.

Child development center - a child development facility for more than five (5) children or infants, which provides a full-day (more than four (4) but less than twenty-four (24) hours per day), part-day (up to four (4) hours per day), or before and after school child development program, including programs provided during school vacations.

Child development facility - location where a child development program is provided for infants or children, away from home, for less than twenty-four (24) hours per day for each infant or child. The facility may be known as a child development center, child development home, or infant care center, but does not include a public or private elementary or secondary school engaged in legally required educational and related functions.

Child development home - a child development program provided in a private residence for up to a total of five (5) children and infants, with no more than two (2) infants in the group. The total of five (5) children and infants shall not include those of the caregiver who are six (6) years old or older; Provided, that the total number of children of the caregiver between the ages of six (6) and fifteen (15) years shall not exceed three (3), and of those three (3) children, no more than two (2) shall be ten (10) years old or younger.

Child development program - a program responsive to the stages of physical, emotional, social, and intellectual growth and behavior of infants or children.

Communicable disease - any disease defined as a communicable disease in chapter 2 of Title 22 DCMR (Health and Medicine).

Infant - an individual younger than two (2) years of age.

Licensed child placing agency - a child placing agency licensed pursuant to Title 32, chapter 7B of the District Code (Act of April 22, 1944, 58 Stat 193, as amended).

Mayor - the Mayor of the District of Columbia or his or her designated agent.

Person - any individual, firm, partnership, company, corporation, trustee, or association.